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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,199

07/13/2007

Yoshiyuki Kanzaki

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EXAMINER

LOPEZ, FRANK

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,199	Applicant(s) KANZAKI ET AL.	
	Examiner DANIEL LOPEZ	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, in claim 12 line 4 “to” should be –in--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

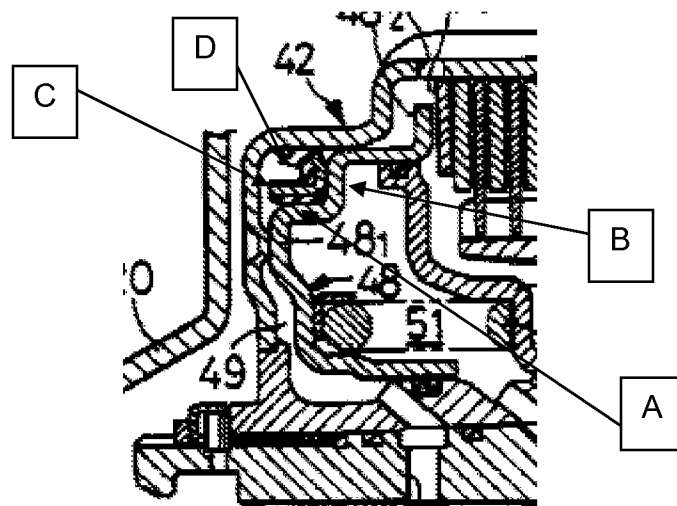
A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and are rejected under 35 U.S.C. § 102(b) as being anticipated by Japan 11-351273. Japan 11-351273 discloses a piston axially movable in an annular hole comprising a piston main body (1) including an axial section (14) extending axially from an outer diameter end section of a first radial section (3); an outer diameter side radial section (4a) extending in a radially outward direction from an end section on a side of the axial section and pressing a pressing object; a reinforcement member (4) provided on the outer periphery of and fitted over an entire area of the axial section; a sealing member (including 13) provided on the reinforcement member, having a seal lip (7) for sealing the outer peripheral side surface of the annular hole; wherein the reinforcement member includes a section that extends to a root of the seal lip; and an inner peripheral sealing member (10), sealing an inner peripheral surface side of the annular hole; wherein the sealing member and the inner peripheral sealing member are integrally formed on the main body, after the reinforcement member is “fitted” to the main body.

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Claims 1, 2 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kanda et al. Kanda et al discloses a piston axially movable in an annular hole comprising a piston main body (48) including an axial section (A added to fig 2, below) extending axially from an outer diameter end section of a first radial section (48sub1); an outer diameter side radial section (B added to fig 2, below) extending in a radially outward direction from an end section on a side of the axial section and pressing a pressing object; a reinforcement member (C added to fig 2, below) provided on the outer periphery of and fitted over an entire area of the axial section; a sealing member (D added to fig 2, below) provided on the reinforcement member, having a seal lip for sealing the outer peripheral side surface of the annular hole; wherein the reinforcement member includes a section that extends to a root of the seal lip; where the sealing member is formed integrally on the reinforcement member and the reinforcement member is fitted to the main body after the integral forming.



Claims 1-3 and either 4 or 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japan 2003-42185. Japan 2003-42185 discloses a piston (11, fig 2) axially movable in an annular hole comprising a piston main body including an axial section extending axially from an outer diameter end section of a first radial section; an outer diameter side radial section (11b) extending in a radially outward direction from an

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end section on a side of the axial section and pressing a pressing object; a reinforcement member (13) provided on the outer periphery of and fitted over an entire area of the axial section; a sealing member (11a) provided on the reinforcement member, having a seal lip (12a) for sealing the outer peripheral side surface of the annular hole; wherein the reinforcement member includes a section that extends to a root of the seal lip; and an inner peripheral sealing member (in fig 3), sealing an inner peripheral surface side of the annular hole; wherein either the sealing member and the inner peripheral sealing member are integrally formed on the main body, after the reinforcement member is fitted to the main body or where the sealing member is formed integrally on the reinforcement member and the reinforcement member is fitted to the main body after the integral forming (it is not clear which is how it is formed).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
Art Unit 3745
May 21, 2009